

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

ART UNIT: 1634

KUDARAVALLI, SRIDHAR ET AL.

EXAMINER: POHNERT, STEVEN C

PATENT NO: 7,732,134

FILED: JUNE 8, 2005

FOR: METHODS TO PREDICT CHOLESTEROL ELEVATIONS DURING
IMMUNOSUPPRESSANT THERAPY**MS: General**Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450COMMUNICATION

Dear Sirs,

Applicants wish to bring to the attention of the USPTO an error in the Patent Term Adjustment (PTA) indicated in the Issue Notification. The Issue Notification provides a PTA of 788 days. However, Patentee believes the PTA should only be 462 days. The following two Patentee delays are missing:

- On November 19, 2008, Patentees filed a Response to an Office Action. On February 12, 2009 the Office indicated the Response was Non-Compliant. A Compliant response was supplied on March 16, 2009, resulting in a 117 days of Patentee delay.
- On June 8, 2007, the application became unintentionally abandoned. The application was successfully held revived on April 23, 2008, resulting in a patentee delay of 320 days.

As a result, total Patentee delay is: $320 + 117 + 95 + 70 + 8 \approx 610$ days.

Type A PTA delay on the part of the office is: $272 + 8 = 280$ days. Total Type B PTA delay is 800 days (from March 30, 2008 to June 8, 2010). There is 8 days of overlap with in the Type B period (i.e., the office action mailed May 16, 2008 was 8 days late.) Thus, final PTA is $280 - 610 + 800 - 8 = 462$ days.

Applicants do not believe that a Patent Term Adjustment Request under 37 CFR 1.705 is required for this error. However, should the office disagree or wish to discuss this matter, please contact the undersigned.

Respectfully submitted,



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